

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MARYANNE KLEMMER, BRUCE
PEARLMAN, and GERALD FLORIO,

Plaintiffs,

v.

TRUMP ENTERTAINMENT RESORTS, A
DELAWARE CORPORATION, TRUMP
TAJ MAHAL ASSOCIATES, LLC
A NEW JERSEY CORPORATION, JOHN
M. DONNELLY, ESQUIRE, JOHN DOE
DECISION-MAKERS (PLURAL 1-10),
and JOHN DOE INDIVIDUALS WHO
SECRETLY RECORDED PLAINTIFFS
(PLURAL 1-10),

Defendants.

HONORABLE JEROME B. SIMANDLE

Civil Action No.
14-5319 (JBS/KMW)

**ORDER DISMISSING PLAINTIFFS'
CLAIMS AGAINST DEFENDANT JOHN
M. DONNELLY, ESQUIRE WITHOUT
PREJUDICE**

This matter comes before the Court by way of Defendant John M. Donnelly, Esquire's (hereinafter, "Defendant Donnelly") informal application to dismiss this action as against him with prejudice for failure to prosecute [see Docket Items 6, 8, & 13]; and the Court having considered Defendant Donnelly's submissions and the factors set forth in Poulis v. State Farm Fire & Casualty Co., 747 F.2d 864, 867-68 (3d Cir. 1984); and for the reasons explained in the Memorandum Opinion of today's date; and for good cause shown;

IT IS this 23rd day of March, 2016, hereby

ORDERED that Defendant Donnelly's informal request for dismissal [Docket Items 6, 8, & 13] shall be, and hereby is, **GRANTED IN PART**; and it is further

ORDERED that Plaintiffs' claims against Defendant Donnelly (Counts Five and Six of Plaintiffs' Complaint) shall be, and hereby are, **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute and to comply with Court Orders; and it is further

ORDERED that the Clerk of Court shall **CLOSE** this case, without prejudice to reopening this action at an appropriate time to pursue claims against Defendants Trump Entertainment Resorts and Trump Taj Mahal Associates, LLC; and it is further

ORDERED that the Clerk of Court shall mail a copy of the Memorandum Opinion and Order of today's date to the Law Offices of Richard L. Press & Associates, LLC, 23 E. Black Horse Pike, Pleasantville, New Jersey 08232; and it is further

ORDERED that Defendant Donnelly shall use his best efforts to mail a copy of this Court's Memorandum Opinion and Order to the last known addresses of the three Plaintiffs, and if successful, to then file proof of service on the docket.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge